

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HELIO J. LEAL DE LA HOZ,)
Plaintiff,) CASE NO. C18-268MJP
v.) ORDER DIRECTING PLAINTIFF TO
HUSH COMMUNICATIONS CANADA,) AMEND COMPLAINT
INC.)
Defendant.)

Pro Se Plaintiff Helio J. Leal de La Hoz, a Seattle resident, re-filed his Complaint on February 23, 2018. Dkt. #5.¹ Summons has not yet been issued.

Plaintiff's claims relate to his "hushmail" email account with Defendant Hush Communications Canada, Inc. Plaintiff appears to make claims of theft and fraud arising from Defendant's October 23, 2016, disabling of Plaintiff's account "because they had received a large number of complaints denouncing [his] messages as spam." *Id.* Plaintiff alleges he has lost access to important documents and "intellectual Property, whose value I estimate in trillions of dollars." *Id.* Plaintiff also seeks as damages compensation for Plaintiff's "adrenaline poisoning," and to be compensated for his time "litigating this evidence-based claim," time which Plaintiff calculates at over 10,000 hours. *Id.* Plaintiff seeks total damages in "the trillions of dollars." *Id.*

¹ Plaintiff filed a nearly identical complaint a few months ago. *See* C17-1465RSM. That matter was dismissed when Plaintiff failed to timely respond to an order to amend that complaint. *Id.* at Dkt. No. 7. This new pleading represents Plaintiff's attempt to successfully amend his complaint.

ORDER

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1 As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of
2 establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*,
3 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor*
4 *Co./Citibank (South Dakota)*, N.A., 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the
5 pleading stage, must be met by pleading sufficient allegations to show a proper basis for the
6 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*
7 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the
8 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
9 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
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11 See 28 U.S.C. § 1915(e)(2)(B).

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13 In this case, Plaintiff bases federal jurisdiction on diversity, citing Defendant's residence
14 as "either Vancouver, Canada or another state, Delaware, or both." Dkt. #5 at 2. However,
15 despite repeated efforts at crafting a sufficient pleading, Plaintiff continues to fail to present
16 credible evidence that the damages at issue in this case exceed the statutory requirement of
17 \$75,000. See 28 U.S.C. § 1332(a). Plaintiff's valuation of his email account and the information
18 therein at "trillions of dollars," continues to be facially frivolous. He alleges that his valuation
19 of "over one trillion dollars" is a "conservative estimate, not only to me but to humanity at large.
20 These latter claims I can demonstrate during discovery." *Id.* Instead of presenting proof of the
21 value of his claim, Plaintiff "asks the court to take the Plaintiff's word in good faith at this point
22 in order to protect the Plaintiff's intellectual property, given the Plaintiff's right to privacy." *Id.*

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25 This will not suffice. The Federal Rules of Civil Procedure require a plaintiff to state,
26 plainly and clearly, the grounds for believing that a dispute should be heard in federal court. This
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1 includes articulating a credible basis for the value of a claim. So far, Plaintiff has failed to do
2 that.

3 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint
4 **no later than thirty (30) days from the date of this Order.** In the Amended Complaint,
5 Plaintiff must include a short and plain statement demonstrating to the Court that there is a legal
6 basis for his claims. Plaintiff shall identify what law or laws he believes Defendant has violated
7 through its alleged conduct. Finally, Plaintiff must plead specific facts demonstrating that the
8 damages at issue exceed \$75,000. His “estimate” will not suffice, nor will his promise to
9 “demonstrate [the value] during discovery.”

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13 The Clerk shall send a copy of this Order to Mr. Leal de La Hoz at 77 S. Washington St.,
14 Seattle, WA 98104.

15 DATED this 27th day of February, 2018.
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21 Marsha J. Pechman
22 United States District Judge
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